IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 18227 of 2007(T)

PETITIONER:

SUMAYA .S., D/O.K.L.SHAHUL HAMEED,
SUMAYA MANZIL, NORTH MIYIAKKADU, KANANNALLOOR,
KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. THE SECRETARY, KERALA PUBLIC SERVICE
COMMISSION, THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE C0MMISSION,
DISTRICT OFFICE, KOLLAM.

Addl. R3. THE DEPUTY DIRECTOR,
DEPARTMENT OF EDUCATION, KOLLAM
(Additional respondent impleaded as per
order in I.A.8217/06 dated 19.6.07)

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the rank list dated 19.12.2006.

Ext.P2: True copy of the advise memo dated 16.3.2007.

// True copy //

P.A.to Judge

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A.K.BASHEER, J.

W.P.(C)No.18227 OF 2007

Dated this the 31st day of July, 2007

JUDGMENT

Petitioner was enlisted in the Ranked list published by the Kerala Public Service Commission for selection to the post of High School Assistant (Physical Science) (Malayalam Medium) in Kollam district. Subsequently, petitioner had received Ext.P2 advice memo dated March 16, 2007. Petitioner has filed this writ petition praying for a direction to the respondents to issue order of appointment pursuant to Ext.P2 memo, since according to her there is no justification for the delay in giving her appointment.

2. In the counter affidavit filed by the Commission, it is averred that Ext.P2 memo happened to be issued because of an oversight or mistake. In fact, the turn against which the petitioner was issued advice memo had to go to a Scheduled Tribe candidate. Petitioner who is a Muslim candidate is not entitled to get the above turn. Therefore, the Commission has already requested the department to return the identification certificate. The Commission proposes to cancel the advice.

In view of the above, I am afraid the petitioner is not entitled to get any relief in this writ petition. It is accordingly dismissed.

A.K.BASHEER, JUDGE

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